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Transcript of the Testimony of Larry E. Gibbs

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Zeve Reporting & Videoconferencing
11032 Nicholas Lane
Suite A201
Berlin, Maryland 21811
Phone: (410)208-4566
Fax: (410)208-4767
Email: info@kathyzeve.com
Internet: www.zevereporting.com

EXHIBIT

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Deposition of Larry E. Gibbs
Conducted on Thursday, January 20, 2005

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1	Q Yes.	1	operator?
2	A Yes.	2	A He was one of my catchers, and he -- and learned
3	Q Okay. Who was your forklift operator after	3	how to operate the forklift. He got an opportunity when
4	Mr. Feddman left the second time?	4	Mr. Feddman left.
5	A Antonio Waters.	5	Q And did you recommend him for that job?
6	Q Antonio, what, please?	6	A I can't remember.
7	A Waters.	7	Q You say he got some training on the forklift. Who
8	Q And after Mr. Waters?	8	provided the training?
9	A Mr. Feddman came back.	9	A I guess Mountaire did, or while we were working,
10	Q Mr. Feddman came back. And did he leave a second	10	he would train.
11	time?	11	Q And who was responsible for watching all of his
12	A No.	12	training?
13	Q So you started out with him as your forklift	13	A I was.
14	operator, then there came a time when he left and Mr. Betey	14	Q Okay. So did you have any input into whether or
15	came in?	15	not he should get the job as a forklift operator?
16	A Yes.	16	A No.
17	Q Then there came a time when Mr. Betey left and	17	Q You had none. If you thought he wasn't training
18	Mr. Feddman came back?	18	properly, wouldn't you say something to somebody?
19	A Yes.	19	A I'm sorry. When you said, did I have any input?
20	Q And then we have Mr. Waters and Mr. Feddman, and	20	Q Yeah, into him becoming a forklift operator.
21	Mr. Feddman is still your forklift operator today?	21	A I don't understand.
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1	A Yes.	1	Q All right. Did you have a say in it? Did you say
2	Q When Mr. Betey became a forklift operator, had he	2	to anybody in the company, Waters is doing a good job. This
3	been on your crew before?	3	guy ought to be a forklift operator?
4	A No.	4	A No. I didn't say that.
5	Q He hadn't been on your crew?	5	Q What did you say to anybody?
6	A No.	6	A I was asked --
7	Q Had he been a catcher before, if you know?	7	Q Okay.
8	A Not that I know, no.	8	A -- how was he doing.
9	Q Had he been employed with Mountaire, if you know?	9	Q By whom?
10	A Yes.	10	A I think Mr. Lynch asked me.
11	Q He had been employed with Mountaire, but you don't	11	Q And what did you say?
12	know in what job?	12	A I said, he was doing well.
13	A Forklift operator.	13	Q Okay. So you advised Mr. Lynch based on the fact
14	Q He had been a forklift operator?	14	that you were observing Mr. Waters that he was doing well?
15	A Yes.	15	A Yes.
16	Q But for another crew?	16	Q Okay. And he subsequently became, then, a
17	A Yes.	17	forklift operator?
18	Q How about Mr. Walters, when he became a forklift	18	A Yes.
19	operator, had he been on your crew?	19	Q And a forklift operator is a step above a catcher,
20	A Yes.	20	isn't he?
21	Q Okay. And how did he come to be a forklift	21	A His pay scale is, yes.

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1	Q Directing -- okay. All right. From time to time,	1	A Nothing.
2	new catchers have come on to your crew?	2	Q You would leave Mr. Garrison without a catcher?
3	A Yes.	3	A That's all I could do.
4	Q Okay. Have you ever suggested to anybody at	4	Q Okay.
5	Mountaire that they hire a particular person as a catcher?	5	A I tell him to contact Mr. Lynch or someone.
6	A Yes.	6	Q Have you ever asked any of the other crew leaders
7	Q Okay. Who, if you can remember?	7	to supply you with a catcher?
8	A The last one was Arthur, Arthur Belfield.	8	A Yes.
9	Q And was he hired?	9	Q And have they done so?
10	A Yes.	10	A At times, yes.
11	Q Okay. And without -- and I don't mean to stretch	11	Q Do some catchers work a double shift from time to
12	your memory, but have there been others like Mr. Belfield	12	time?
13	that you recommended the company hire?	13	A Yes.
14	A That's it. I think I said maybe two or three.	14	Q And how does that occur?
15	Q Okay. And were they hired?	15	A Like if -- if one of the catchers are working on
16	A I think all but one, I think.	16	the first shift, and if I'm on, like, the third or fourth
17	Q Okay.	17	shift, he would work with the first shift and then come work
18	A I think two out of the three, yes, I think they	18	on my shift also.
19	were hired.	19	Q Okay. And, again, that's only if he wants to?
20	Q Who was it -- do you remember the person who	20	A That's correct.
21	wasn't?	21	Q Let me ask you this question. Do you know Donna
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1	A No, I can't remember him.	1	Mumford?
2	Q Okay. There are other crew leaders employed at	2	A Donald Mumford?
3	Mountaire, we know, right?	3	Q Uh-huh. He works for Mountaire.
4	A Yes.	4	A You said Donald Mumford?
5	Q Have other crew leaders asked you if you could	5	Q Donna. I'm sorry.
6	spare a member of your crew to come work on their crew	6	A Donna. Yes. I have met her before, yes.
7	because they were short?	7	Q Do you have occasion to talk to her at all?
8	A Yes.	8	A No, not anymore.
9	Q Okay. And when they've asked that, what have you	9	Q I'm sorry. Not anymore?
10	done?	10	A Not anymore, no.
11	A If I have a catcher available, I let him go catch	11	Q So there was a time when you did?
12	with that crew leader.	12	A (Witness nods.)
13	Q So you would tell someone from your crew to go	13	Q What would you talk to her about?
14	work for somebody's crew, for example, Mr. Garrison's crew,	14	A Like, if one of my catchers had a problem with
15	if he needed it?	15	the -- like say, a W-2 tax forms or something, then I would
16	A It would be up to him. I would ask him, would he	16	ask Donna to help them out -- to help them.
17	want to go work with Mr. Garrison or whoever. Then that	17	Q All right. When you say W-2 form, you mean if the
18	would be up to him whether he would go catch with that crew	18	catcher did not get a W-2 form, he would come to you and you
19	or not.	19	would talk to Donna about that?
20	Q Okay. If you asked every one of the catchers and	20	A Yeah, something like that.
21	they all said, no, what would you do?	21	Q Any other occasion?